



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,496	10/01/2003	Akiko Onishi	00862.023332.	4228
5514 7590 02/17/2010 FITZPATRICK CELLA HARPER & SCINTO 1290 Avenue of the Americas NEW YORK, NY 10104-3800				
EXAMINER				
HUNTSINGER, PETER K				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
02/17/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/674,496

Applicant(s)

ONISHI, AKIKO

Examiner

Peter K. Huntsinger

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 5, 7, 9, 13, 15-17, 21, 27 and 33-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 7, 9, 13, 15-17, 21, 27 and 33-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/30/09 have been fully considered but they are not persuasive.

The applicant argues on page 11 of the remarks in essence that:

Perry '190 does not disclose displaying a partial setting screen including (i) a first designation field to set a partial print attribute to be applied to a part of the print data, (ii) a second designation field to designate a page as the part of the print data to which the partial print attribute is applied

- a. Perry '190 discloses that the print job exceptions attributes window of Figs. 6A-D allows a user to enter print job exception attributes such as stock type (col. 7, lines 18-45), and that a user can specify a page range for the print job exceptions attributes window (col. 6, lines, 34-40)
2. Applicant's arguments with respect to claims 36-44 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claims 36, 37, 39, 40, 42 and 43 are objected to because of the following informalities: Line 2 of claim 36 should be replaced with "on the entire setting screen is displayed on the first designation field as ~~the~~ an initial value." Claims 37, 39, 40, 42 and 43 contain similar limitations. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 4, 5, 7, 9, 11, 13, 15, 16, 21, 27 and 33-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Perry '190.

Referring to **claim 1, 7 and 13**, Perry '190 discloses a printing control method executed in an information processing apparatus which has a printer driver to generate print data which a printing apparatus can process, said printing control method comprising:

a first displaying step of displaying an entire setting screen to set an entire setting print attribute to be applied to the entire print data (Fig. 5, col. 5, lines 20-30, print job properties can be created that will apply to the entire print job);

a second displaying step of displaying a partial setting screen including (i) a first designation field to set a partial print attribute to be applied to a part of the print data (Figs. 6A-D, col. 7, lines 18-45, print job exceptions attributes window allows user to enter print job exception attributes such as stock type), (ii) a second designation field to designate a page as the part of the print data to which the partial print attribute is

applied (Figs. 6A-D, col. 6, lines, 34-40, print job exceptions attribute window allows a user to specify a page range); and

a generating step of generating the print data to print a print material in which the entire print attribute and the partial print attribute are reflected, (col. 2, lines 31-40, prints print job that includes print job level properties and print job exception attributes).

Referring to **claims 4 and 9**, Perry '190 discloses a setting step of setting the entire print attribute including a type of sheet, print quality and color adjustment (col. 4, lines 22-33, properties for an entire print job include paper stock, printer output, and page color).

Referring to **claim 16**, Perry '190 discloses when the partial print attribute is not set, print data to print a printed material is generated in which the entire print attribute is reflected in all pages of the print data, and

when the partial print attribute is set, print data to print a printed material is generated in which (i) both the entire print attribute and the partial print attribute are reflected in a designated page designated using the partial setting screen, and (ii) the entire print attribute is reflected in pages other than the designated page (col. 2, lines 31-40, prints print job that includes print job level properties and print job exception attributes).

Referring to **claims 33, 34 and 35**, Perry '190 discloses wherein the partial setting screen including a plain paper as the type of sheet of the entire print attribute is displayed in the second display step when the plain sheet is designated in the first

designation field of the entire setting screen (col. 7, lines 18-45, exception page template 317 of Fig. 6A displays paper stock type as plain)

6. Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perry Patent No. 7,159,190 as applied to claim 1 above, and further in view of admitted prior art.

Referring to **claim 5**, Perry '190 discloses print data, but does not disclose expressly wherein the print data is bitmap data.

Official Notice is taken that it is well known and obvious to a person of ordinary skill in the art to output print data as a bitmap (See MPEP 2144.03). The motivation for doing so would have been to utilize a conventional print job format that does not require format conversion at the printer. Therefore, it would have been obvious to combine well known prior art with Perry '190 to obtain the invention as specified in claim 5.

Referring to **claim 17**, Perry '190 discloses the entire setting screen and the partial setting screen but does not disclose expressly wherein the screens are provided by the printer driver.

Official Notice is taken that it is well known and obvious to a person of ordinary skill in the art to provide a print user interface via a printer driver (See MPEP 2144.03). The motivation for doing so would have been to utilize the same program for customizing and formatting print data, thus reducing program conflicts. Therefore, it would have been obvious to combine well known prior art with Perry '190 to obtain the invention as specified in claim 17.

7. Claims 15, 21 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perry Patent No. 7,159,190 as applied to claims 1, 7 and 13 above, and further in view of Iwase Patent No. 6,724,492.

Referring to **claims 15, 21 and 27**, Perry '190 discloses wherein the partial setting screen is displayed in response to a designation inputted when one of the plurality of settings screens is displayed (col. 6, lines 34-40, user can create a new exception by using the "add exceptions" button).

Perry '190 does not disclose expressly wherein the entire setting screen has a plurality of setting screens.

Iwase '492 discloses an entire setting screen has a plurality of setting screens (Fig. 19, col. 12, lines 41-53, menu has a sort, double-sided print, copy, density saturation, and color balance tabs).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide a setting screen with multiple tabs. The motivation for doing so would have been to provide the user with a multitude of print attributes conveniently organized within tabbed screens. Therefore, it would have been obvious to combine Iwase '492 with Perry '190 to obtain the invention as specified in claims 15, 21 and 27.

8. Claims 36-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perry Patent No. 7,159,190 as applied to claims 1, 7 and 13 above, and further in view of Livingston Patent 6,621,590.

Referring to **claim 36, 39 and 42**, Perry '190 discloses designating a type of sheets on the entire setting screen, but does not disclose expressly wherein the setting of the entire setting screen is displayed on the first designation field as the initial value.

Livingston '590 discloses wherein print attributes designated for the entire print job are displayed as initial values of the partial print attributes (col. 6, lines 5-13, The user can change the print preview image 68 to correspond to a selected page) (col. 3, lines 35-55, The series of blocks show the user which pages have had the selected feature altered from a default setting and also show which pages of the document have had the selected feature set to the setting of the page corresponding to the print preview image) (col. 6, lines 51-55, User can select Paper Source from list of features).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to set initial exception print settings to the settings of the entire print job. The motivation for doing so would have been to allow the user to select printer options in a compact, organized and user-friendly fashion. Therefore, it would have been obvious to combine Livingston '590 with Perry '190 to obtain the invention as specified in claims 36, 39 and 42.

Referring to **claim 37, 40 and 43**, Perry '190 discloses designating a sheet feeding method on the entire setting screen, but does not disclose expressly wherein the setting of the entire setting screen is displayed on the first designation field as the initial value.

Livingston '590 discloses wherein print attributes designated for the entire print job are displayed as initial values of the partial print attributes (col. 6, lines 5-13, The

user can change the print preview image 68 to correspond to a selected page) (col. 3, lines 35-55, The series of blocks show the user which pages have had the selected feature altered from a default setting and also show which pages of the document have had the selected feature set to the setting of the page corresponding to the print preview image) (col. 5, lines 18-26, User-selectable features include selection of an output bin).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to set initial exception print settings to the settings of the entire print job. The motivation for doing so would have been to allow the user to select printer options in a compact, organized and user-friendly fashion. Therefore, it would have been obvious to combine Livingston '590 with Perry '190 to obtain the invention as specified in claims 37, 40 and 43.

Referring to **claim 38, 41 and 44**, Perry '190 discloses designating entire print attributes on the entire setting screen, but does not disclose expressly wherein the setting of the entire setting screen is displayed on the first designation field as the initial value.

Livingston '590 discloses wherein print attributes designated for the entire print job are displayed as initial values of the partial print attributes (col. 6, lines 5-13, The user can change the print preview image 68 to correspond to a selected page) (col. 3, lines 35-55, The series of blocks show the user which pages have had the selected feature altered from a default setting and also show which pages of the document have had the selected feature set to the setting of the page corresponding to the print preview image).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to set initial exception print settings to the settings of the entire print job. The motivation for doing so would have been to allow the user to select printer options in a compact, organized and user-friendly fashion. Therefore, it would have been obvious to combine Livingston '590 with Perry '190 to obtain the invention as specified in claims 38, 41 and 44.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter K. Huntsinger whose telephone number is (571)272-7435. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter K. Huntsinger/
Examiner, Art Unit 2625

/David K Moore/
Supervisory Patent Examiner, Art Unit 2625